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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 SECURITIES AND EXCHANGE
COMMISSION,

15 Plaintiff,

16 v.

17 MARK LESLIE, et al,

18 Defendants.
19

Case No. C 07-3444 JF

**STIPULATION AND JOINT REQUEST
FOR ~~[PROPOSED]~~ ORDER REVISING
CASE SCHEDULE**

1 This Stipulation is entered into by and among Plaintiff, the Securities and Exchange
2 Commission ("SEC"), and Defendants Mark Leslie, Kenneth E. Lonchar and Paul A. Sallaberry
3 (collectively, "Defendants"), through their respective attorneys of record.

4 WHEREAS, on March 7, 2008, Plaintiff SEC and Defendants submitted a Supplemental
5 Case Management Statement proposing certain agreed upon dates for completing discovery and
6 dispositive motions;

7 WHEREAS, on March 21, 2008, the United States District Court for the Northern District
8 of California, San Jose Division, Judge Jeremy Fogel presiding, entered an Order setting a Jury
9 Trial for December 4, 2009, the pretrial conference for November 20, 2009 and the cut-off for
10 filing dispositive motions for May 14, 2009 and otherwise adopting the parties' proposed case
11 schedule;

12 WHEREAS, on November 4, 2008, this Court entered an Order pursuant to stipulation of
13 the parties modifying certain of the pretrial dates, but retaining the December 4, 2009 trial date.

14 WHEREAS, on June 25, 2009, this Court entered an Order pursuant to stipulation of the
15 parties modifying certain of the pretrial dates and setting a new trial date for May 14, 2010; under
16 the schedule set forth in the June 25, 2009 Order:

- 17 1. The Parties shall complete expert discovery no later than October 9, 2009;
- 18 2. The Parties shall file dispositive motions no later than November 6, 2009;
- 19 3. The Parties shall argue dispositive motions on December 18, 2009;

20 WHEREAS, pursuant to this Court's June 25, 2009 Order, the parties filed their
21 Oppositions to Expert Reports on September 11, 2009;

22 WHEREAS, between September 14 and September 23, 2009 the parties engaged in
23 extensive meet and confer efforts to schedule the depositions of the seven experts disclosed in the
24 case;

25 WHEREAS, the availability of the expert witnesses and attorneys involved in the case
26 necessitated scheduling expert depositions through October 15, 2009, after the October 9, 2009
27 cut-off set by this Court in its June 25, 2009 Order;

1 WHEREAS, conducting expert depositions through October 15, 2009 adversely impacts
2 the parties' ability to file their dispositive motions three weeks later, on November 6, 2009;

3 WHEREAS, Plaintiff and Defendants, recognizing that a modest modification of the
4 pretrial schedule is appropriate in light of the complex nature of the issues raised in this case and
5 the logistical and geographical challenges involved in scheduling depositions, have agreed to
6 modify the schedule governing expert discovery and dispositive motions. The parties are not
7 requesting a change of trial date.

8 THEREFORE, for the convenience of all parties, the parties hereby STIPULATE, AND
9 JOINTLY REQUEST THE COURT TO APPROVE, a revised schedule as follows:

- 10 1. The Parties shall complete expert discovery no later than October 16, 2009;
- 11 2. The Parties shall file dispositive motions no later than November 20, 2009;
- 12 3. The Parties shall file oppositions to dispositive motions no later than December 21,
13 2009;
- 14 4. The Parties shall file reply briefs in support of dispositive motions no later than
15 January 13, 2010;
- 16 5. The Parties shall argue dispositive motions on January 29, 2010.

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2 Dated: October 8, 2009

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

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4 /s/ Danielle Van Wert
DANIELLE VAN WERT

5 Attorneys for Defendant Kenneth E. Lonchar

6
7 Dated: October 8, 2009

U.S. Securities and Exchange Commission

8 /s/ With Permission
DAVID WILLIAMS

9 Attorneys for Plaintiff Securities and Exchange
10 Commission

11 Dated: October 8, 2009

SHARTSIS FRIESE LLP

12 /s/ With Permission
13 JAHAN P. RAISSI

14 Attorneys for Defendant Paul A. Sallaberry

15 Dated: October 8, 2009

FARELLA BRAUN + MARTEL LLP

16 /s/ With Permission
17 ANTHONY SCHOENBERG

18 Attorneys for Defendant Mark Leslie
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ORDER

Pursuant to stipulation, and good cause appearing therefore, IT IS HEREBY ORDERED
THAT:

1. The Parties shall complete expert discovery no later than **October 16, 2009**;
2. The Parties shall file dispositive motions no later than **November 20, 2009**;
3. The Parties shall file oppositions to dispositive motions no later than **December 21, 2009**;
4. The Parties shall file reply briefs in support of dispositive motions no later than **January 13, 2010**;
5. The Parties shall argue dispositive motions on **January 29, 2010**.

IT IS SO ORDERED.

DATED: 10/15/2009



HONORABLE JEREMY FOGEL
United States District Judge